

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Patrick S. Butler v.

Allentown, Lehigh County, et al



PRAECLYPE

To the HONORABLE Clerk of Courts

Enclosed please file Complaint of FTCA Torts, State Torts
28 U.S.C. 1331, 42 U.S.C. 1997, 42 U.S.C. 1983 and
Bivens. Please forward all correspondence to appropriate
parties as I am indigent.

Thank you for your attention to this matter.

Respectfully Submitted,

Patrick S. Butler

March 20, 2022

Patrick S. Butler
38 N. 4th Street
Allentown PA 18102

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Patrick S. Butler

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

City of Allentown

Lehigh County

Lehigh County Jail

Allentown Car Mart

Geico Insurance

Lehigh County District Attorney's Office

Lehigh County Public Defenders Office

Pennsylvania State Police

Michael Hodyskin

Miroslav Djindjiev

et al, (see attached)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name
	<u>Patrick S. Butler</u>
	Street Address
	<u>38 N. 4th Street (confined)</u>
	County, City
	<u>Allentown PA 18102 Lehigh County (confined)</u>
	State & Zip Code
	<u>PA 18102 (confined)</u>
	Telephone Number
	<u>484 821 6989</u>

<u>306 Main Street (Home)</u>	<u>Northampton County Hellertown (Home)</u>
<u>PA 18055 (home)</u>	

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name City of Allentown
 Street Address — 455 W Hamilton St
 County, City Lehigh County Allentown
 State & Zip Code PA 18101

Defendant No. 2

Name Lehigh County
 Street Address 455 W. Hamilton St
 County, City Lehigh Allentown
 State & Zip Code PA 18101

Defendant No. 3

Name Lehigh County Jail
 Street Address 38 N 4th Street
 County, City Lehigh Allentown
 State & Zip Code PA 18102

Defendant No. 4

Name Allentown Car Mart
 Street Address Union Blvd
 County, City Lehigh Allentown
 State & Zip Code PA

See attached for additional!

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)
- Federal Questions Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? See attached Memorandum

All Defendants Sued in Individual & Official Capacities

- Pennsylvania State Police - failure to supervise, proximate cause of injuries, implemented policy of willfully suppressing exculpatory evidence (camera surveillance, receipt, cell phone), unlawful arrest in violation of 4th Amendment, malicious prosecution, false imprisonment, wrongful incarceration, violation of Due Process Clause of 14th Amendment
- Oppressive Pretrial Incarceration - Violation of 5th Amendment, failure to investigate Stolen car and identity theft
- Michael Hodgskin, PSP - unlawful arrest, wrongful imprisonment, malicious prosecution, failure to train other officers, willfully suppressing exculpatory evidence (video surveillance, receipt, cell phone) initiating a false arrest, violation of oppressive pretrial incarceration, 5th Amendment, Violation of Due Process Clause of 14th Amendment, failure to investigate stolen car and identity theft, 4th Amendment violation
- Miroslav Djindjiev, PSP - unlawful arrest, false imprisonment, malicious prosecution, failure to train other officers, willfully suppressing exculpatory evidence (video surveillance, receipt, cell phone) failing to appear after being subpoenaed numerous times, 4th Amendment violation, Due Process Clause of 14th Amendment, Oppressive pretrial delay, Due Process 5th Amendment, failure to investigate Stolen car and identity theft, Abuse of Discretion, Abuse of Process, Failure to Protect
- City of Allentown - failure to hire and train Police Officers under supervisor liability, failure to correct unlawful practices by Lehigh County, Lehigh County Jail, PSP, Lehigh County D.A. and Lehigh County P.D. offices (willfully suppressing exculpatory evidence - video surveillance, receipt, cell phone) allowing Due Process Clause Violations of 14th and 5th Amendments, 4th Amendment Unlawful Arrest, overseeing failure to investigate stolen car and identity theft

Bivens =

All Defendants Sued in Individual & Official Capacities

- Lehigh County - failure to hire and train Police Officers under supervisor liability, failure to correct unlawful practices by County, PSP, Lehigh County Jail, DA and PD offices of Lehigh County (willfully suppressing exculpatory evidence- video surveillance, receipt, cell phone) allowing Due Process Clause 14th Amendment, Oppressive Pretrial Delay 5th Amendment Due Process, failure to investigate stolen car and identity theft, 4th Amendment violation, Access to Courts (not allowing self representation) 6th Amendment Ineffective Counsel 6th Amendment (allowing P.D. office and D.A. office to suppress exculpatory evidence knowing I was innocent) Allowing Lehigh County Jail to legal mail interference, Allowing D.A. of Lehigh County and PSP to not investigate stolen car and identity theft Negligence, Abuse of Process, Abuse of Discretion, Negligence
- Pennsylvania Commonwealth - All of the Above ↑
- United States - All of the Above ↑ & Bivens
- Lehigh County District Attorneys Office All of the Above ↑
- Ed Muir - All of the Above ↑
- Lehigh County Public Defenders Office - All of the Above ↑
- Richard Webster - All of the Above ↑
- John Baurkot - All of the above ↑

All Defendants Sued In Individual & Official Capacities

- Allentown Car Mart - failure to act on stolen car, negligence, FTCA torts, State Torts, Personal Injury, failure to train employees
- Allentown Car Mart Agent - failure to act on stolen car, negligence, FTCA torts, State Torts, Personal Injury,
- Allentown Car Mart Manager - failure to act on stolen car, negligence, FTCA torts, State Torts, Personal Injury,
- Geico Insurance - failure to act on stolen car, negligence, FTCA torts, State Torts, Personal injury, failure to properly train employees to properly follow procedures of stolen car
- Geico Insurance Agent - failure to act on stolen car, negligence, FTCA torts, State Torts, Personal Injury, failure to properly train employees to properly follow procedures of stolen car
- Lehigh County Jail - 6th Amendment Access to Courts - Mail Interference of legal Mail, 1st Amendment Freedom of Speech and Freedom of Retaliation Interference of mail to various businesses and government entities / agencies
- Janine Donato - " " "
- Kyle Russell - " " "

Additional Defendants for Complaint

Under: FTCA Federal Torts, State Torts, Civil Rights,
Personal Injury, 28 U.S.C. 1331, 42 U.S.C. 1997, 42 U.S.C. 1983,
Bivens, Negligence, Deliberate Infliction of Distress, Abuse of Process
Abuse of Discretion, Unlawful Arrest, Malicious Prosecution, False Imprisonment
Failure to Protect.

5. Geico Insurance - MacArthur Rd Allentown PA Lehigh County
6. Lehigh County District Attorney's Office - 455 W. Hamilton St Allentown PA 18101
7. Lehigh County Public Defender's Office - 455 W. Hamilton St Allentown PA 18101
8. Ed Muir, D.A. - 455 W. Hamilton St. Allentown PA 18101
9. Richard Webster - 455 W. Hamilton St. Allentown PA 18101
10. John Baurokot - 455 W. Hamilton St Allentown PA 18101
11. Pennsylvania State Police - 2930 Airport Rd Bethlehem PA 18017
12. Michael Hodgskin - 2930 Airport Rd Bethlehem PA 18017
13. Miroslav Djindjiev - 2930 Airport Rd Bethlehem PA 18017
14. Allentown Car Mart Salesman - Union Blvd Allentown PA
15. Allentown Car Mart Manager - Union Blvd Allentown PA
16. Geico Insurance Agent - MacArthur Rd Allentown PA
17. United States of America - United States of America
18. Commonwealth of Pennsylvania - Commonwealth of Pennsylvania
19. Janine Donato - 38 N 4th Street Allentown PA 18102
20. Kyle Russell - 38 N 4th Street Allentown PA 18102

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship United States Citizen
 Defendant(s) state(s) of citizenship United States Citizen(s), Organization(s)
Gov't agency(ies) Corporation(s) Individual(s)

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? U.S. of America, State of / Commonwealth of Pennsylvania, City of Allentown, Lehigh County,

B. What date and approximate time did the events giving rise to your claim(s) occur? From October 14, 2019 to present

C. Facts: See attached memorandum for detailed facts, events and appendix, docket, various documents
 - The Basic Summary is that my car was stolen. I called Police. Instead of investigating They arrested me unlawfully. I spent almost a year incarcerated, filed many petitions and subpoenas and the D.A., Public Defenders, Police willfully suppressed exculpatory evidence. The Car Insurance Company and Car Dealership willfully ignored my claim through mail and phone. The jail interfered with my legal mail. When I was threatened to be made an example by the Judge, I pled nolo contendere and given a sentence of 4-8 months that but I spent 11 months incarcerated in Lehigh. When I got out I found out that my car was eventually recovered by the Parking Authority miles from where it was originally when I found out someone stole it (In plain view of video surveillance) and the County is now trying to make me pay tickets/fines on it. The Police and D.A. also refuse to investigate identify theft as my credit report shows numerous accounts opened while incarcerated as well as the dealership paying off the loan and they hang up on me everytime I call to speak to management.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Comm. v. Patrick Sean Butler

} CASE No. 028812020

MEMORANDUM / NOTICE OF BRIEF

The Petitioner, Patrick Sean Butler, is seeking relief through the District Court channels due to newly discovered evidence not previously available during the ordinary fact-finding procedures in Lehigh County Court of Common Pleas.

- ① The Petitioner is Patrick Sean Butler, an adult individual who resides in Bethlehem, PA.
- ② The Memorandum is in reference to the above mentioned case, a criminal complaint alleged by the District Attorney's Office of Lehigh County, PA. The docket is attached to the Memorandum to assist and please the court in backing up factual averments made by the Petitioner throughout.
- ③ On October 14th 2019, on or around 11:30 p.m., the Petitioner realized his vehicle was stolen. The Petitioner called Police. The Pennsylvania State Police failed to investigate and instead arrested the Petitioner. During the arrest Petitioner made several pleas for the Police to take pieces of evidence, mainly a cell phone and a receipt. PSP Miroslav S. Djindjiev, Badge No 12838 took the receipt, put it in his pocket and gave the cell phone to the Lehigh County Jail.

④ During the 1st month of incarceration, Petitioner wrote numerous letters and motions to the Court, mainly:

- ① Letter to Allentown Car Mart explaining his car was stolen
- ② Letter to Geico Insurance explaining his car was stolen
- ③ Letter to Allentown Police Department explaining his car was stolen
- ④ Letter to Pennsylvania State Police explaining his car was stolen
- ⑤ Letter to FBI Allentown Office explaining his car was stolen
- ⑥ Letter to the Lehigh County District Attorney office explaining his car was stolen
- ⑦ 2 Letters to the Lehigh County Public Defenders Office, highlighting the fact the car was in plain view of hotel surveillance before it was stolen

A) Not one letter was acknowledged, returned or responded to

⑤ At the Petitioner's first preliminary hearing, the Court appointed Richard Webster refused to acknowledge any information that Petitioner raised. The Petitioner also sought to cross-examine Trooper Miroslav S. Djindjiev, No. 12838 and subpoena the hotel camera and receipt, cell phone and 3rd party witnesses. The Honorable [redacted] granted a continuance.

⑥ Immediately after the continuance the Petitioner drafted several written subpoenas including Trooper Djindjiev. At second preliminary hearing, Trooper Djindjiev did not show up. Petitioner made oral motion for transcripts and dismissal of case. Judge said tape recorder in the hands of the prosecutor would be sufficient

When Petitioner asked why Trooper Djindjiev would still fail to appear Prosecutor remained silent. Judge granted another continuance to secure Djindjiev and advised Petitioner to file written motion, which Petitioner did. However, the next day Judge Anna Kristie Marks denied them despite never presiding in person during any point of proceedings.

⑦ Petitioner wrote several more subpoenas for camera surveillance, the cell phone and 3rd party witnesses. An attorney named Lucas John Repka filed a motion to quash and Judge Marks granted it. Petitioner then filed Motion for the transcripts and that was also denied.

⑧ At the next preliminary hearing Petitioner was represented by John Baurkot, despite making an intelligent motion to Proceed Pro Se. When Attorney Baurkot realized Petitioner was trying to introduce evidence and cross-examine witnesses, he told the bailiffs to physically move him away and prevented any communication whatsoever from the Court or himself. He stated to the Judge (3rd different Magistrate) that there is Prime facie and to bound over the charge.

- (9) Petitioner then wrote several more Petitions and sent copies to the D.A. and Public Defender Office. At Arraignment John Baurokot denied receiving any mail. When Petitioner attempted to hand Mr. Baurokot a copy of the Motion, Mr. Baurokot turned away and against the wishes of the Petitioner asked Judge Kelly Banach for a competency hearing.
- (10) Petitioner then sought relief by writing the Attorney General Josh Shapiro. Petitioner received a response saying they take what happened (suppressing exculpatory evidence, violating due process, grand theft auto and identity theft) very serious but they didn't have jurisdiction, and to write the local district attorney's office. Petitioner forwarded a copy of the response to the District Attorney Ed Muir twice and he never responded.
- (11) After filing several more motions, a few months went by and Mr. Baurokot tried to talk Petitioner into pleading guilty despite overwhelming exculpatory evidence proving Petitioner's innocence which was suppressed knowingly, willingly and maliciously (tangible items - camera surveillance, cell phone, receipt, 3rd party witnesses)
- (12) The Lehigh County tried to force Petitioner to have a competency hearing without an attorney present, violating his due process. When Petitioner raised this

issue during the zoom conference they immediately ended it and two weeks later Judge Kelly did a Sua sponte hearing and deemed Petitioner competent.

- (13.) When Petitioner tried to assert his right to a jury trial, Judge Banach threatened the Petitioner on a zoom, stating "You will be going to jail for a very long time if you try to go to trial" Feeling coerced and threatened, Petitioner pled Nolo Contendere to Disorderly Conduct on September 3, 2020, 11 months after being incarcerated (4-8 month sentence, was forced 3 extra months wrongful incarceration)

- (14.) A few months after being released, Petitioner received notice in the mail for a vehicle illegally parked in Allentown, which was the car Petitioner reported stolen (October 14 2019 - in Affidavit 288-2020 Comm v. Butler) Petitioner called Geico Insurance, Allentown Car Mart several times and was hung up on each time explaining the situation.

- (15.) On Petitioner's Credit Report it states the loan for the car was paid off by dealer, yet the car is still apparently registered in Petitioner's name.
(See Appendix)

- (16.) Petitioner also had numerous accounts opened or attempted to be opened while incarcerated and hard inquiries not authorized. Petitioner spoke to all credit bureaus, attempted to freeze his credit and file identity theft charges. The local police refused to investigate.
- (17.) Petitioner asserts and avers that paragraphs 1-16 are true and correct and has tangible evidence to prove in a court by Jury Trial or Bench Trial.
- (18.) Petitioner asserts and avers that this Memorandum shall also be used as the basis for civil suit

Butler v. Lehigh County, City of Allentown, et al

complaint under FTCA Torts, 28 U.S.C. 1331, 42 U.S.C. 1997, 42 U.S.C. 1983, Bivens, and State Tort Laws.

Respectfully submitted,

March 15, 2022

Patrick S. Butler

Patrick S. Butler
38 N. 4th Street
Allentown PA 18102

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Severe mental anguish distress, Severe depression and anxiety, night terrors, irreparable harm, intentional infliction of emotional distress, malicious prosecution, conscience shocking, irreversible psychological damages, tremendous pain and suffering, loss of wages, defamation, conscious pain and suffering, prima facie tort, complete loss of nuclear family

Have been prescribed medical treatment as direct result of outrageous injuries sustained due to defendant's actions and I shall have no problem providing extremely reliable testimony as to the nature and extent of my injuries as well as tangible documents

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

\$ 200,000⁰⁰ Compensatory damages

\$ 150,000⁰⁰ Punitive damages

\$1,500⁰⁰ per day of wrongful incarceration/unlawful arrest

Attorney Fees and Costs

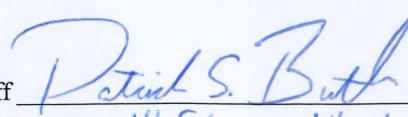
Special, Actual, and General damages in amount
Jury deems proper and just

My entire life has been upheaved, destroyed, and negatively impacted as a direct result. Lost job, wages family, TIME I will never get back, girlfriend left me, loss of vehicle, credit score negatively affected, cannot gain any relief as Police & D.A. refuse to investigate

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20 day of March, 2022.

Signature of Plaintiff



Mailing Address

38 N. 4th Street Allentown PA 18102

Confined ↑ home ↓

306 Main Street Hellertown PA 18055

Telephone Number

484 821 6989

Fax Number (if you have one)

N/A

E-mail Address

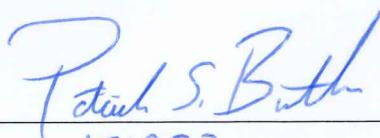
███████████ N/A

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this 20 day of March, 2022, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff:



Inmate Number

171922

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 38 N. 4th Street Allentown PA 18102Address of Defendant: 455 W Hamilton St Allentown PA 18101, 2930 Airport Rd, Bethlehem PAPlace of Accident, Incident or Transaction: All of the above, and at Knights Inn Hotel, Airport 18017
Rd Bethlehem PA 18017

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: March 20 2022*Patrick S. Butler*
Must sign here

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a √ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): FICA Torts

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): State Torts

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Patrick S. Butler, counsel of record or pro se plaintiff, do hereby certify: Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs: Relief other than monetary damages is sought.DATE: March 20 2022*Patrick S. Butler*
Sign here if applicable

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Patrick Butler 171922

38 N. 4th Street
Allegheny PA 18102

U.S.M.S.
X-RAY

LEGAL MAIL

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

601 MARKET STREET
PHILADELPHIA PA 19106

